

AFFIDAVIT OF SPECIAL AGENT WILLIAM SANSONE

I, William Sansone, having been duly sworn, do hereby dispose and state as follow:

1. I am a Special Agent with the United States Immigration and Customs Enforcement (ICE) formally the Immigration and Naturalization Service ("INS"). I have been employed with ICE (INS) since 1989. My duties include the detection and apprehension of aliens who are in the United States unlawfully. This includes investigation of cases involving persons who have illegally reentered the United States after having been deported.

2. The information set forth in this affidavit is based on my own investigation, and my review of ICE records, as well as information provided by other law enforcement officials. In making this application, I have not included every piece of information I have received but only that which is sufficient to provide probable cause in support of a criminal complaint charging **Tirson SANTANA**, with a violation of Title 8, United States Code, Section 1326(a) - illegal re-entry by a deported alien.

3. SANTANA is a native and citizen of the Dominican Republic. His INS Alien Registration File ("A-file") indicates that he first entered the United States without

inspection at or near San Ysidro, California on or about February 27, 1991. A review of his criminal record indicates he was first convicted in U.S. District Court, Eastern District of Pennsylvania on or about February 18, 1999 for the offense of Possession with Intent to Distribute a Class B substance, to wit, cocaine; and was sentenced to 33 months confinement in federal prison.

4. On or about October 3, 2000, SANTANA was ordered deported by an Immigration Judge in Boston, MA. On or about November 11, 2000, SANTANA was, in fact, removed from the United States at New York, NY to the Dominican Republic. A Warrant of Removal/Deportation (Form I-205) was executed on November 11, 2000 evidencing his actual removal, and includes a signature and an inked right index taken from him at the time of his removal.

5. On or about July 15, 2004, SANTANA was arrested at or near Boston, MA by the Boston Police Department for possession to distribute a class B substance, to wit, cocaine. At the time of this arrest, SANTANA provided the name of German RIVERA to the Boston Police. Boston Police submitted the Defendant's fingerprints to the Federal Bureau of Investigation and the prints were found to match FBI

number 287535KB7. That FBI number belongs to SANTANA.

6. On or about August 19, 2004, the ten-fingerprint card taken by the Boston Police on July 15, 2004, and the right index print taken on November 11, 2000 from the I-205 were sent to the Federal Bureau of Investigation Special Processing Center in West Virginia for comparison. The FBI confirmed that both fingerprints submitted were identical with Tirson SANTANA, FBI number 287535KB7.

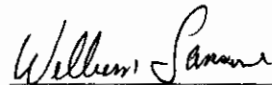
7. On or about August 23, 2004, SANTANA was served a Notice of Intent/Decision to Reinstate Prior Order

8. On January 28, 2005, SANTANA was convicted in Roxbury District Court for possession to distribute a class B substance, to wit, cocaine. SANTANA was sentenced to 2 years in the Suffolk County House of Correction.

8. On August 16, 2005, your affiant fingerprinted SANTANA using the Justice Automated Booking System. The fingerprints submitted were a match to FBI number 287535KB7.

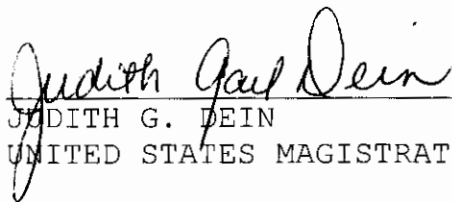
9. I have reviewed the documents contained in SANTANA'S A-file maintained by ICE and there is no documentation to suggest that he ever applied for permission to reenter the United States following his removal in 2000. I know from my experience with INS that if such an application had been made, it would be reflected in the INS file that I reviewed.

10. Based on the foregoing, I believe there is probable cause to find that SANTANA is an alien found in the United States who was previously deported from the United States and who has returned without having received the express consent of the United States Attorney or the Secretary of Homeland Security to reapply for admission to the United States, in violation of Title 8 United States Code, Section 1326(a) and (b) (2).



William Sansone  
Special Agent  
Immigration and Customs  
Enforcement

Subscribed and sworn to before me this 18th day of August, 2005



JUDITH G. DEIN  
UNITED STATES MAGISTRATE JUDGE